

4 August 1978

Mr. Robert Kimmitt
National Security Council
Room 393 Old Executive
Office Building
Washington, D.C.

OLC #78-202/w

Mr. Kimmitt:

Attached are the three papers
Fred Hitz asked me to send to you.

Executive Assistant

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Role of the Ambassador

The Senate receded in light of the Administration's agreement that the "Authority of Ambassadors" provision "means that disclosure of intelligence information to Ambassadors is authorized within the meaning of the National Security Act of 1947." The principal purpose of the Senate amendment was to make that clear.

JOINT STATEMENT

The Senate receded with an amendment that made clear that the effect of the provision is merely to codify the current Executive Branch practice of attempting to reduce oral international agreements of consequence to writing and ^{of} transmitting them to Congress under the Case-Zablocki Act.

Would not include liaison Agreements.

the conferees that that amendment was unnecessary in view of the law's requirement that "any" information be furnished. Any information, the conferees believe, includes information derived from a third agency. The conferees stress that the so-called "third agency rule" may not, therefore, be used as an impediment to the timely furnishing of information requested by these congressional committees. The Executive Branch assures us that the rule will be used as intended and not as a tool to intentionally thwart congressional inquiry or otherwise delay such legitimate processes. Specifically, the conferees understand that, in the event any of the requested information has been supplied to such department, agency or independent establishment by another such entity, such department, agency or independent establishment shall (1) immediately inform the originating entity and request that entity's permission to release such documents; and (2) immediately inform the requesting committee that the originating entity has been asked for permission to release such information to the requesting committee. If the originating entity denies permission to such department, agency or independent establishment, for the release of such items of information, the originating entity shall so inform the requesting committee, describing the items of information whose release has been denied.

The conferees intend that the procedure described above constitute the advice sought by Secretary of State Vance on August 2 regarding a means of resolving difficulties confronted by these committees with respect to the "third agency rule."

Agreed and Accepted